

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

9	SUN PACIFIC FARMING, etc.,	)	1:01-cv-6102 OWW DLB
10	Plaintiff,	)	SCHEDULING CONFERENCE ORDER
11	v.	)	Settlement Conference: 10/16/08 9:00 Ctrm. 9
12	SUN WORLD INTERNATIONAL, etc.,	)	Punitive Damages Briefs Due: 12/1/08
13	Defendants.	)	Opposition Briefs Due: 12/22/08
14		)	Reply Briefs Due: 1/8/09
15			Oral Argument Re: Punitive Damages Issues: 1/27/09 8:30 Ctrm. 3

20 I. Date of Scheduling Conference.

21 August 14, 2008.

22 II. Appearances Of Counsel.

23 Webb Zeisenhaim Logsdon Orkin and Hanson PC by Kent Baldauf,  
24 Jr., Esq., and Russell Orkin, Esq., appeared on behalf of  
25 Plaintiff.

26 Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP,  
27 by Thomas Scott Belden, Esq., appeared on behalf of Defendant.

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1 III. Settlement Conference.

2       1. A Settlement Conference is scheduled for October 16,  
3 2008, at 9:00 a.m. in Courtroom 9 before the Honorable Dennis L.  
4 Beck, United States Magistrate Judge.

5       2. Unless otherwise permitted in advance by the  
6 Court, the attorneys who will try the case shall appear at the  
7 Settlement Conference with the parties and the person or persons  
8 having full authority to negotiate and settle the case on any  
9 terms at the conference.

10      3. Permission for a party [not attorney] to attend  
11 by telephone may be granted upon request, by letter, with a copy  
12 to the other parties, if the party [not attorney] lives and works  
13 outside the Eastern District of California, and attendance in  
14 person would constitute a hardship. If telephone attendance is  
15 allowed, the party must be immediately available throughout the  
16 conference until excused regardless of time zone differences.  
17 Any other special arrangements desired in cases where settlement  
18 authority rests with a governing body, shall also be proposed in  
19 advance by letter copied to all other parties.

20      4. Confidential Settlement Conference Statement.

21 At least five (5) days prior to the Settlement Conference the  
22 parties shall submit, directly to the Magistrate Judge's  
23 chambers, a confidential settlement conference statement. The  
24 statement should not be filed with the Clerk of the Court nor  
25 served on any other party. Each statement shall be clearly  
marked "confidential" with the date and time of the Settlement  
Conference indicated prominently thereon. Counsel are urged to  
request the return of their statements if settlement is not

1 achieved and if such a request is not made the Court will dispose  
2 of the statement.

3       5. The Confidential Settlement Conference  
4 Statement shall include the following:

5           a. A brief statement of the facts of the  
6 case.

7           b. A brief statement of the claims and  
8 defenses, i.e., statutory or other grounds upon which the claims  
9 are founded; a forthright evaluation of the parties' likelihood  
10 of prevailing on the claims and defenses; and a description of  
11 the major issues in dispute.

12           c. A summary of the proceedings to date.

13           d. An estimate of the cost and time to be  
14 expended for further discovery, pre-trial and trial.

15           e. The relief sought.

16           f. The parties' position on settlement,  
17 including present demands and offers and a history of past  
18 settlement discussions, offers and demands.

19 IV. Further Scheduling of Case.

20       1. In the event that this case does not resolve at the  
21 October settlement conference, the Court adopts the following  
22 schedule for resolution of the punitive damages issue:

23           a. The parties' opening briefs to be filed on or  
24 about December 1, 2008.

25           b. The parties' oppositions shall be filed on or  
26 before December 22, 2008.

27           c. The parties' replies shall be filed on or before  
28 January 8, 2009.

1 d. The oral arguments on the parties' damages  
2 positions are scheduled for January 27, 2009, at 8:30 a.m.

### 3 || V. Motions - Hard Copy.

4       1. The parties shall submit one (1) courtesy paper copy to  
5 the Court of any motions filed that exceed ten pages and any  
6 motions that have exhibits attached. Exhibits shall be marked  
7 with protruding numbered or lettered tabs so that the Court can  
8 easily identify such exhibits.

11 IT IS SO ORDERED.

Dated: August 15, 2008

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE